

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JASON ALTHEIDE,

Plaintiff,

v.

C. JOHNSON, *et al.*,

Defendants.

Case No. 3:21-cv-00515-RCJ-CSD

ORDER

I. DISCUSSION

Pro se Plaintiff Jason Altheide brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated at High Desert State Prison. (ECF No. 15.) When Plaintiff initiated this case, he submitted an application to proceed *in forma pauperis*. (ECF No. 1.) In its screening order, this Court deferred a decision on Plaintiff's application to proceed *in forma pauperis*. (ECF No. 16 at 8.) The Court subsequently imposed a 90-day stay and entered an order in which the parties were assigned to mediation by a court-appointed mediator. (*Id.* at 9; ECF No. 18.) The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 22.)

Based on the financial information provided, Plaintiff does not qualify for *in forma pauperis* status. Specifically, Plaintiff's application lists his current account balance as \$8,816.34, and his average monthly balance as \$9,456.17. (ECF No. 1 at 4.) The Court thus denies the application to proceed *in forma pauperis* (ECF No. 1) and directs Plaintiff to pay the \$402 filing fee in full before this case may proceed.

To proceed with this case, Plaintiff must pay the full filing fee of \$402 within thirty (30) days from the date of this order. Alternatively, if Plaintiff's financial situation has

1 changed, he may submit a new application to proceed *in forma pauperis* with an inmate
2 account statement for the past six months and a properly executed financial certificate
3 demonstrating his indigent status. After the Court determines the matter of the payment
4 of the filing fee, the Court will issue an order on the matter of service.

5 **II. CONCLUSION**

6 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No.
7 1) is denied.

8 It is further ordered that, to proceed with this case, Plaintiff must pay the full filing
9 fee of \$402 to the Clerk of Court within thirty (30) days from the date of this order.

10 Alternatively, if Plaintiff's financial status has changed, Plaintiff must demonstrate
11 his indigent status by submitting a new application to proceed *in forma pauperis* with an
12 inmate account statement for the past six months and a properly executed financial
13 certificate to this Court within thirty (30) days from the date of this order.

14 It is further ordered that if Plaintiff fails to timely comply with this order, the Court
15 will dismiss this case without prejudice.

16 DATED THIS 24th day of August 2022.

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19 UNITED STATES DISTRICT JUDGE
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